

BOARD OF DESIGN REVIEW MINUTES

October 11, 2001

CALL TO ORDER: Chairman Walter Lemon III called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman Walter Lemon III; Board Members Hal Beighley, Anissa Crane, Monty Edberg, Ronald Nardoza and Ashetra Prentice. Board Member Stewart Straus was excused.

Associate Planner Tyler Ryerson, Associate Planner Scott Whyte and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

NEW BUSINESS:

PUBLIC HEARINGS:

Chairman Lemon opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Mr. Edberg advised Chairman Lemon that he had been previously employed by *Otak, Inc.*, who is the consultant for BDR 2001-0119 – Meridian Village Phase 2 Type 3 Design Review, emphasizing that this would not influence his decision on this issue.

A. BDR 2001-0119 – MERIDIAN VILLAGE PHASE 2 TYPE 3 DESIGN REVIEW

This land use application requests Design Review approval for the construction of twelve townhouses and three single-family cluster units,

including the construction of a commonly-owned private street and associated landscaping, as part of Phase 2 of the Meridian Village Multi-Use Development. The development proposal is located at 820 SW 173rd Avenue, and is more specifically described on Washington County Assessor's Map 1S1-06AC, Tax Lot 800. The site is zoned Station Community – High Density Residential (SC-HDR), and is approximately 0.75 of an acre in size. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Tyler Ryerson presented the Staff Report and materials board and briefly discussed the proposal, observing that this application involves the second phase of the previously approved Meridian Village Project. He described this phase, which includes the construction of twelve townhouses and clustered single-family attached units, a common private street, with access through Phase 1 of Meridian Village, and associated landscaping. He discussed the colors and materials used, as well as the unique design features and characteristics of the proposed development. He noted that the proposal meets applicable criteria, with certain changes to the proposed materials. Concluding, he recommended approval of the application, under certain conditions of approval and with the recommended changes to the proposed materials, and offered to respond to questions and comments.

Observing that she had not participated in the approval of Meridian Village Phase 1, Ms. Crane requested clarification of whether the color of the awnings of Phase 2 duplicate the color utilized on the awnings of Phase 1.

Mr. Ryerson advised Ms. Crane that while the color boards did not specifically indicate any awning specification, adding that the architect is available to discuss exactly what had been approved on Phase 1.

Observing that the building heights would vary from 30 feet to 41 feet, Ms. Prentice requested clarification of whether there is a 35-foot limit at this location.

Mr. Ryerson informed Ms. Prentice that within the Station Community – High Density Residential (SC-HDR), the maximum building height is actually greater. He explained that the maximum building height within 400 feet of the Light Rail Station Platform is 100 feet, without a Conditional Use Permit (CUP), and 60 feet beyond 400 feet of the platform, observing that this proposal is located greater than 400 feet from the Elmonica Light Rail Station Platform. He emphasized that this reflects an attempt to promote mixed use and high residential density within the Station Community area, resulting in greater heights than typically found in single-family residential development.

Chairman Lemon requested clarification of what is located east and north of the proposed subdivision.

Mr. Ryerson advised Chairman Lemon that these areas consist of existing single-family home residential developments, adding that this subdivision that comes off of 173rd Avenue and Artesian Lane and most likely was developed prior to the transit-oriented zone.

Ms. Prentice requested clarification of whether Phase 2 would complete the development or there would be a Phase 3, and whether the site would be filled to capacity.

Mr. Ryerson informed Ms. Prentice that the larger parcel, which consists of Phase 1, involves slightly greater than 4.5 acres, adding that Phase 2 involves approximately 0.75 of an acre, and that all other abutting property appears to be street or existing single-family homes.

APPLICANT:

JERRY OFFER, representing *Otak, Inc.*, on behalf of the applicant, *Emerald Development*, briefly discussed revisions that had been made on the recommendation of staff. He submitted information regarding changes in roofing material, requesting that Condition of Approval No. 22 be eliminated. He referred to a drawing of the proposal and described several changes that had been made in the design of the streets within the development.

SINAN GUMUSOGLU, representing *Otak, Inc.*, on behalf of the applicant, *Emerald Development*, described the design and materials of the proposed development, including a water quality detention facility in the southeast corner of the site, adding that this application is basically an expansion of Phase 1. He discussed the awnings and mentioned that the buildings would be constructed of hardi-plank, consisting of planks or boards of different sizes installed in such a way that breaks up the elevation of the structure. Concluding, he pointed out that two parking spaces would be provided for each unit, and offered to respond to any questions or comments.

Chairman Lemon requested clarification of the hardi-plank material on the materials board, specifically the base color for the stucco on the exterior of the building.

Mr. Gumusoglu clarified that the exterior of the building would be hardi-panel, rather than stucco, adding that this is basically a hardi-plank, cementeous material.

Chairman Lemon referred to Unit No. 4, located at the end of the building, and the east end of Unit Nos. 10 and 11, as well as the overall site elevations of Unit Nos. 8, 9 and 10 (Sheet A-3).

Mr. Gumusoglu advised Chairman Lemon that this is the unit that faces the three-level town home to the west, noting that the upper west elevation indicated on Sheet A-3 faces the four-plex. He clarified that the lower right hand corner of Sheet A-3 provides the east elevation of Unit No. 10. He pointed out that it is unfortunate that the east elevation would face somebody's back yard, emphasizing that 40-something feet of hardi-plank does not provide a very stimulating view, even with a window and a louver. He questioned the possibility of altering the design in such a way that would provide some definition.

Mr. Gumusoglu observed that it is possible that the developer went too far in their attempt to preserve and balance the privacy of the adjacent neighborhood, by providing fewer openings, adding that additional windows are feasible.

Ms. Crane suggested a continuance of the on-site elevation of Unit Nos. 8, 9 and 10 at the top left-hand side of Sheet A-3.

Mr. Gumusoglu expressed his approval of Ms. Crane's idea, noting that this would break up the mass of the building.

Chairman Lemon observed that Mr. Beighley might be willing to address some of the landscaping aspects of the proposal, adding that along with the pie-shaped lots, there is a heavily landscaped water-quality field in the southeast corner. He referred to the plants that run along the east side of the property, and requested clarification of whether this vegetation would grow sufficiently within a year or two.

Mr. Beighley advised Chairman Lemon that the vegetation would not provide any screening for about five years, adding that the combination of the Honey Locust and the Western Red Cedar would sufficiently break up the elevation as time goes on. He emphasized that with the exception of the local vegetation, the proposal consists entirely of evergreens.

Ms. Crane questioned whether the proposed awning material is a material that resists staining and fading.

Mr. Gumusoglu informed Ms. Crane that the manufacturer has indicated that the awning material resists both staining and fading.

Ms. Crane expressed her concern with continuity of the awning, specifically whether there is a Homeowner's Association that would provide for maintenance or replacement if the material is stained or ripped.

Emphasizing that these are "For Sale" units, Mr. Offer mentioned that he has not reviewed the CC&R's for some time.

Mr. Gumusoglu expressed his opinion that any maintenance of the awning would fall under the same category as repainting the buildings, when necessary.

PUBLIC TESTIMONY:

JANIECE STATON observed that she has numerous concerns regarding this proposed development, expressing her opinion that there would be a negative impact on neighboring homes. She emphasized that approximately thirty children would be added to neighborhood, adding that the local schools are already overloaded and that there is no playground area for these children. She pointed out that because there are no neighborhood parks in the area, children would play at the school playground, cutting through and loitering throughout her older neighborhood. She expressed her opinion that the lack of adequate parking and the proximity to a major intersection would create what she considers a dangerous situation. She mentioned that she is concerned with the extra amount of noise that would be generated by thirty to sixty additional people contained in this small area. Observing that although many of her neighbors are not happy with the situation, because they speak languages other than English and are not familiar with the process, they are not willing to come and testify.

Ms. Prentice requested clarification of which area the children would be cutting across to access the school grounds.

Ms. Staton indicated that there is a shortcut into the back of the playground at the school, adding that there is a sidewalk that turns into a path leading to the school.

Chairman Lemon requested clarification of the maximum number of units allowed on the site.

Mr. Ryerson informed Chairman Lemon that while he is not certain of the maximum density, the minimum density for the site, after figuring out for the water quality facility and private street, is eleven units, adding that the applicant is proposing fifteen units.

Observing that the property was recently annexed by the City of Beaverton, Chairman Lemon requested clarification of when this occurred and whether the property was rezoned at that time.

Mr. Ryerson mentioned that the applicant should be able to address this issue in detail, adding that the annexation has occurred within the past year, following Meridian Village Phase 1. He pointed out that Washington County and the City of Beaverton have a reciprocal agreement providing for the most similar type of zoning when such an annexation occurs. He clarified that the Planning Commission approves both the Comprehensive Plan Amendment and the associated Rezone.

Chairman Lemon questioned whether the developer is responsible for providing any funding to address the potential impact on the school district, specifically to compensate for the additional student load.

APPLICANT REBUTTAL:

Mr. Offer advised Chairman Lemon that he is not aware of any such requirement providing for monetary compensation for educational purposes by a developer. He mentioned that such a requirement has not yet been authorized in Oregon to obtain approval for a subdivision; expressing his opinion that the school district's policy is to indicate that there is not adequate capacity for additional students at any of their facilities.

Chairman Lemon referred to Ms. Staton's concern with the availability of a playground area.

Observing that this is a valid concern, Mr. Offer mentioned that the property had been annexed into the City of Beaverton during the spring of this year, adding that because this took effect in June, the application had not been submitted until July 3, 2001. Emphasizing that the applicant had not requested any zoning to increase residential density, he pointed out that the site provides for a maximum of 24 to 30 and that it could have been developed much more intensely. He mentioned that the applicant had attempted to be as responsive to the neighborhood as possible, while still meeting the minimum density requirements and their own needs for a return of the investment in the property. He commented that while there is no playground area within Phase 2, there is a playground provided within Phase 1, adding that it is necessary to consider the context of the whole. Observing that this is a fairly high-density residential development, he commented that the applicant has provided recreational areas as much as possible. Referring to the lack of sidewalks and traffic concerns, he indicated that the applicant has responded to all guidance provided by staff.

Ms. Prentice requested clarification of whether Phase 1 is located below the roadway or also inclusive of the land between.

Mr. Offer indicated all of the property included within Phase 1 on an illustration, including retail space, rentals, condominiums, for sale units on individual lots, and for sale town homes on individual lots. He pointed out that both phases share a Homeowner's Association and common spaces, which includes two recreational areas, a plaza in the commercial area and scattered landscaping.

In response to Chairman Lemon's earlier question regarding maximum density, Mr. Ryerson provided the following information from the Development Code: *Areas designated Station Community - High Density Residential (SC-HDR) with a minimum of 24 or 30 units per net acre, depending on proximity to the Light Rail Station Platform.* He clarified that within 400 feet of the platform, the minimum is 30 units per net acre, and beyond 400 feet of the platform, the minimum is 24 units per net acre, emphasizing that there shall be no maximum residential density in this area.

The public portion of the Public Hearing was closed.

Mr. Beighley requested clarification of Ms. Crane's concerns with the east elevation of Unit No. 10.

Ms. Crane informed Mr. Beighley that she would like to incorporate the hardi-panel material located on the west elevation onto the top third of the east elevation of units 8, 9 and 10.

Ms. Prentice questioned whether it is necessary to include a Condition of Approval providing for a public space in which children could play.

Mr. Beighley advised Ms. Prentice that this issue has been incorporated into Phase 1, adding that the play area is provided for the total project in the space located closest to 173rd Avenue.

Mr. Beighley **MOVED** and Mr. Nardoza **SECONDED** a motion for the approval of BDR 2001-0119 – Meridian Village Phase 2 Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated October 4, 2001, including recommended Conditions of Approval Nos. 1 through 21, and amending Condition of Approval No. 22, as follows:

22. The applicant shall ~~place architectural comp roofing on the residential units that abut, 173rd Avenue and the residential lots on the northerly and easterly sides of the property. The applicant shall apply for and~~

~~receive approval of a Type 1 Design Review prior to the issuance of Building permits for these residential buildings~~ be allowed to replace the proposed roofing material for the Meridian Village No. 2 project with architectural grade asphalt shingles by Malarkey Roofing, “Legacy” type, New Charcoal in color, a sample of which has been provided to the Board of Design Review at the Public Hearing on October 11, 2001.

including Conditions of Approval Nos. 23 and 24, and adding Condition of Approval No. 25, as follows:

25. Incorporate the hardi-panel material, as shown in the west elevation into the east elevation in a similar manner.

At the request of Chairman Lemon, Mr. Beighley made a friendly amendment to his motion, providing for approval of the material board submitted with the letter from Jerry Offer, Senior Planner of *Otak, Inc.*, dated October 11, 2001.

The question was called and the motion, as amended, **CARRIED**, unanimously.

7:30 p.m. – Mr. Ryerson left.

7:30 p.m. to 7:35 p.m. – break.

B. BDR 2001-0053 – SOUTHWEST HILLS VETERINARY CLINIC/QWEST MONOPOLE TYPE 3 DESIGN REVIEW

This land use application requests Design Review approval for the construction of a Personal Communications Service (PCS), consisting of an 80-foot monopole with a five-foot lightning rod for a total of 85-feet in height, with associated antennas, equipment, and landscaping. The development proposal is located at 2425 SW Cedar Hills Boulevard, and is more specifically identified on Washington County Assessor’s Map 1S1-09AA, Tax Lot 8900. The site is zoned Community Service (CS) and is approximately 0.46 of an acre in size. The decision for action shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Scott Whyte presented the Staff Report and briefly described the proposal. He noted that the application meets applicable criteria and recommended approval, under certain Conditions of Approval, which he briefly described, as well as several other revisions suggested by staff regarding the location and color of the monopole and location of the proposed Western Cedars. Concluding, he offered to respond to any questions or comments.

Ms. Prentice requested clarification of the height of the proposed monopole, and was advised that with an 80-foot monopole and 5-foot lightening rod, the total height is 85 feet.

Referring to Condition of Approval No. 7, Chairman Lemon requested clarification of who is the actual property owner.

Mr. Whyte informed Chairman Lemon that *Qwest Wireless* is leasing a portion of the property, adding that any Code enforcement concerning maintenance of the property would most likely be enforced upon the property owner, who has consented to the application.

APPLICANT:

KEVIN MARTIN, landscape consultant for *W & H Pacific*, representing *Qwest Wireless*, mentioned that the applicant concurs with the Staff Report, findings and most of the Conditions of Approval, with the exception of Condition of Approval No. 1, specifically moving the monopole 40 feet to the northeast. He pointed out that there are extenuating circumstances that are creating a large burden on the applicant if it becomes necessary to relocate this monopole, and pointed out that there is a provision that allows the Board of Design Review to locate the monopole in a location other than that recommended by staff. He discussed staff's rationale for moving the monopole 40 feet to the northeast, and requested that the applicant be allowed to locate the monopole as originally proposed on Sheet A-1, expressing his opinion that it is possible to maintain a high degree of compatibility with the existing neighborhood. Observing that it had been necessary to balance three separate interests in locating this facility, including the interests of the property owner, minimizing the visibility and compliance with Development Code requirements, particularly for setbacks. He noted that the property owner's main concern had been to minimize the effect of the facility on either the expansion of his existing building or the more likely potential future redevelopment of the property, while the applicant had been most concerned with providing the maximum amount of screening possible. He pointed out that a compromise had finally been reached with the property owner for a location between where staff had originally proposed and where the applicant had originally proposed, expressing his opinion that this compromise also adequately addresses Design Review standards. Concluding, he offered to respond to any questions or comments.

Chairman Lemon pointed out that the Board had struggled with this same issue a month or so ago, emphasizing that it is difficult to adequately anticipate future development. Observing that monopoles are generally controversial, he noted that there does not appear to be any opposition from the adjacent property owners. He questioned whether the location proposed by the applicant had been selected for reception purposes.

Mr. Martin advised Chairman Lemon that the applicant had selected the proposed location for the monopole in an effort to provide the greatest possible screening for the adjacent property owners, adding that for reception purposes, the most appropriate location would be right next to the equipment. He emphasized that the proposed location is strictly a good neighbor issue.

Mr. Edberg commented that it might not be necessary to move the monopole the full 40 feet in order to provide the necessary screening by the large Evergreen trees.

Mr. Martin noted that the property owner would prefer to move the monopole to the southeast, rather than the northeast, observing that there would be some vegetative blocking of the antennas, which will increase as the trees grow larger.

Chairman Lemon requested clarification of whether the applicant is suggesting moving the monopole slightly to the northwest.

Mr. Beighley suggested moving the monopole closer to equipment, observing that due to the existing trees to the west of site, it could be moved ten, fifteen or twenty feet.

Mr. Whyte referred to the aerial photograph, observing that an open gap exists in the northwest corner of the site, and discussed the proposed location against the foliage of the tree, adding that locating the monopole further to the northwest would actually bring it further into view.

Chairman Lemon questioned what is located in the large open area to the northwest of where the equipment is shown on aerial photograph.

Mr. Whyte informed Chairman Lemon that while the applicant might have additional information, it appears that there is not much in that area.

Mr. Martin clarified that the large open area to the northwest of the equipment is a large back yard, consisting of a garden and a greenhouse, including some shrubs and trees.

Mr. Nardoza lived about two blocks from this location for about 15 years, emphasizing that although this area has a tight Homeowner's Association, there does not seem to be a great deal of concern with the proposal.

Chairman Lemon questioned whether the applicant is amenable to locating the monopole closer to the box.

Mr. Beighley suggested the possibility of splitting the difference to halfway between the original proposal and the location suggested by Chairman Lemon.

Mr. Martin expressed his opinion that the facility should be located as originally proposed.

Chairman Lemon stated that the facility should be located as proposed by the applicant.

PUBLIC TESTIMONY:

No member of the public appeared to testify regarding this application.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** for the approval of BDR 2001-0053 – Southwest Hills Veterinary Clinic/Qwest Monopole Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated October 4, 2001, including recommended Conditions of Approval Nos. 2 through 15.

Mr. Nardoza mentioned the portion of Condition of Approval No. 7 providing that the five western cedars be shifted approximately forty feet to the northwest should be deleted.

At the suggestion of Mr. Whyte, rather than deleting Condition of Approval No. 1 in its entirety, Mr. Beighley revised his motion to provide that Condition of Approval No. 1 be amended, as follows:

1. All site development and landscaping shall be carried out in accordance with the plan marked "Exhibit A". (On file at City Hall); ~~with exception to the placement of the monopole, which shall be placed approximately 40 feet northeast of the proposed location, as shown on Sheet A-1 of the plan set, and at least twenty feet from the north property line.~~

and that Condition of Approval No. 7 be revised, as follows:

7. The property owner shall be responsible to provide regular maintenance of the five western cedar trees as part of this approval. The primary purpose of tree maintenance shall be to ensure continuous visual screening of the monopole as seen from neighboring properties to the north, northeast and northwest. ~~The applicant shall submit a revised landscape plan prior to issuance of the Building Permit that shows the five western cedars shifted approximately 40 feet to the northwest from where shown on Sheet A-1 of plan set reviewed by the Board of Design Review.~~

Mr. Nardozza **SECONDED** the motion, as revised.

The question was called and the motion, as revised, **CARRIED**, unanimously.

APPROVAL OF MINUTES:

The minutes of September 13, 2001, as written, were submitted. Chairman Lemon asked if there were any changes or corrections. Ms. Crane requested that the first page of the minutes be amended to reflect that the meeting was held at the Beaverton Public Library, rather than at City Hall. Mr. Beighley **MOVED** and Ms. Crane **SECONDED** a motion that the minutes be adopted as written and amended.

The question was called and the motion **CARRIED** unanimously, with the exception of Ms. Prentice, who abstained from voting on this issue.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:10 p.m.